IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5704 OF 2004

Mohammed Ali Ayub @ Chickna
Alimuddin Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Kuldip S.Patil for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 27, 2005.

P.C.

1. Heard Counsel for the parties.

2. Having regard to the seriousness of the offence and the materials on record to indicate complicity of the Applicant, not a case for bail.

3. Indeed, Counsel for the Applicant

vehemently argued that the identification parade as held, is questionable and if that is to be discarded, the Applicant deserves to be enlarged on bail. In the present case, besides the fact that three witnesses and the complainant have identified the Applicant, recovery of cash, household articles, two empty magazines and five live cartridges have been made from the Applicant. That is a strong circumstance against the Applicant. Besides, learned A.P.P. is justified in pointing out that there are already 28 registered criminal cases against the Applicant and most of them are still pending for trial. The Applicant was engaged in similar offences even in the past. Taking overall view of the matter, not a case for bail. Rejected.

4. The District Judge, Alibag is directed to assign the case to the Fast Track Court, if already not done, so as to ensure early disposal of the trial.

5. The Applicant shall extend full co-operation to the Trial Court for early disposal

of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be taken into account if and when the occasion arises.

6. Application disposed of on the above terms.

A.M.KHANWILKAR, J.